

1 SHARON L. ANDERSON (SBN 94814)  
2 County Counsel  
3 DYLAN RADKE (SBN 207757)  
4 Deputy County Counsel  
5 COUNTY OF CONTRA COSTA  
6 651 Pine Street, Ninth Floor  
7 Martinez, California 94553  
8 Telephone: (925) 335-1800  
9 Facsimile: (925) 335-1866  
10 Electronic Mail: [dylan.radke@cc.cccounty.us](mailto:dylan.radke@cc.cccounty.us)

11 Attorneys for Defendant  
12 COUNTY OF CONTRA COSTA

13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA

16 FELIPE HERNANDEZ, an individual,

17 Plaintiff,

18 v.

19 COUNTY OF CONTRA COSTA, a  
20 municipal corporation; and DOES 1-50,  
21 inclusive,

22 Defendants.

No. C18-00267 KAW

STIPULATION AND ~~[PROPOSED]~~  
ORDER EXTENDING DATE TO FILE  
RESPONSIVE PLEADINGS AND  
CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE AND  
RELATED DATES

CMC: April 17, 2018

Ctrrm: 4, 3rd Floor

Judge: Hon. Kandis A. Westmore, Presiding

Date Action Filed: January 11, 2018

Trial Date: None Assigned

23 The parties, by and through their attorneys, have met and conferred regarding Plaintiff  
24 Felipe Hernandez's ("Plaintiff") complaint and defendant County of Contra Costa's  
25 ("County") proposed motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The  
26 County's responsive pleadings are currently due on April 6, 2018. Based on the parties'  
27 conversation, the parties agreed that additional time is needed for Plaintiff to consider filing an  
28 amended complaint for the County's responsive pleadings and for the case management

1 conference. Based on the above, the parties have agreed to stipulate to the following time  
2 schedule:

3 (1) The parties stipulate that Plaintiff will, if necessary, file an amended complaint  
4 by April 17, 2018. If Plaintiff determines that an amended complaint is not necessary, he will  
5 notify the County by April 17, 2018, that he will not be filing an amended complaint. If no  
6 amended complaint is filed, the County's responsive pleadings will be filed by April 24, 2018,  
7 seven days after Plaintiff's notice. If Plaintiff files an amended complaint, the County's  
8 responsive pleadings will be filed by May 1, 2018, fourteen days after the amended complaint  
9 is filed.

10 (2) The parties stipulate to a continuance of the case management conference,  
11 currently scheduled for April 17, 2018, for 60 to 90 days to a date convenient to the Court's  
12 calendar. The stipulation is based on the time to determine Plaintiff's potential amendments  
13 to the complaint and if necessary prepare an amended complaint and the County's time to  
14 review any amended complaint and prepare responsive pleadings. Currently, the case is not at  
15 issue, and given the uncertainty of future claims and potential defendants, it is difficult for the  
16 parties to meet and confer regarding discovery and to prepare a joint case management  
17 statement.

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1 In light of the current procedural posture, the parties believe good cause exists to  
2 provide time for Plaintiff to consider filing an amended complaint, to extend time for the  
3 County to file responsive pleadings, and to continue the case management conference for 60  
4 to 90 days to a date convenient to the Court's calendar.

5  
6 DATED: March 30, 2018

SHARON L. ANDERSON  
COUNTY COUNSEL

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8  
9 By: \_\_\_\_\_/s/\_\_\_\_\_  
10 DYLAN RADKE  
11 Deputy County Counsel  
12 Attorneys for Defendant  
COUNTY OF CONTRA COSTA

13 DATED: March 30, 2018

JOHN L. BURRIS LAW OFFICES

14  
15  
16 By: \_\_\_\_\_/s/\_\_\_\_\_  
17 JAMES COOK  
18 Attorney for Plaintiff  
FELIPE HERNANDEZ

19 **ATTORNEY ATTESTATION**

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21 I hereby attest that I have authorization from all of the above-named counsel to E-file  
22 this statement, and this authority is reflected by the conformed signature (“/s/”) within this E-  
23 filed document.

24 By: \_\_\_\_\_/s/\_\_\_\_\_  
25 DYLAN RADKE  
26 Deputy County Counsel  
27 Attorneys for Defendant  
28 COUNTY OF CONTRA COSTA

**ORDER**

There is good cause to allow Plaintiff to file an amended complaint by April 17, 2018. If Plaintiff determines that an amended complaint is not necessary, he will notify the County by April 17, 2018, that he will not be filing an amended complaint. If no amended complaint is filed, the County's responsive pleadings will be filed by April 24, 2018, seven days after Plaintiff's notice. If Plaintiff files an amended complaint, the County's responsive pleadings will be filed by May 1, 2018, fourteen days after the amended complaint is filed.

There is further good cause to continue the initial case management conference and related dates. The case management conference is continued to July 10, 2018 at 1:30 P.M. before the Honorable Kandis A. Westmore. The joint case management statement is due July 3, 2018. All associated dates, including the date for the parties to exchange initial disclosures, are likewise continued.

IT IS SO ORDERED.

DATED: 3/30/18

By: Kandis Westmore  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge